

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1259 – SB 1380

April 17, 2013

SUMMARY OF ORIGINAL BILL: Requires at least one hour of the annual education requirement for planning commissioners to concentrate on the rights of private property owners and the relationship of those rights to the public planning process.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (006433, 007268): Amendment 006433 deletes all language after the enacting clause. Changes the funding method for the Memphis Area Association of Governments (MAAG) development district to match the funding methods of the other eight development districts. Increases the maximum allowable local contribution to MAAG from \$0.20 per capita to \$0.21 per capita. Amendment 007268 adds a new section to the bill as amended concerning annual education requirements as they relate to the rights of private property owners.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Other Fiscal Impact – To the extent the Memphis Area of Governments development district elects to increase its per capita assessment rate to \$0.21, there will be a recurring permissive increase in local expenditures of approximately \$6,400, and a recurring increase in state expenditures of \$30,000.

Assumptions for the bill as amended:

- MAAG development district is composed of the following counties: Fayette, Lauderdale, Tipton, and Shelby.
- Under current law, no MAAG county is required to contribute to the development district more than \$12,500 per year. Based on their respective populations and the per capita assessment of \$0.16, the current assessment is estimated to be: \$6,146 on Fayette


HB 1259 – SB 1380

County; \$4,450 on Lauderdale County; \$9,773 on Tipton County; and \$12,500 on Shelby County (as a result of the current cap), for a total assessment of \$32,869.

- The current state appropriation under the \$0.16 per capita assessment is \$150,000.
- This bill as amended does not remove the \$12,500 cap.
- According to the schedule under Tenn. Code Ann. § 13-14-111(c)(3), annual state appropriation for the \$0.21 per capita assessment is equal to \$180,000.
- The bill as amended will authorize the MAAG development district to increase its level of per capita assessment to \$0.21, which is currently unable to do under current law. An increase in the per capita assessment to \$0.21 will result in a recurring permissive increase in local expenditures of \$6,365, and a recurring increase in the annual state appropriation of \$30,000 (from \$150,000 to \$180,000).
- Pursuant to Tenn. Code Ann. § 13-3-101(j)(1), planning commissioners are required to attend a minimum of four hours of annual training and continuing education in one or more of the subjects listed under Tenn. Code Ann. § 13-3-101(j)(5).
- Authorized subjects include, but are not limited to: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission.
- This bill would require that one of the four required hours be dedicated to the rights of private property owners and the relationship of those rights to the public planning process. The number of annual training and continuing education hours required to be taken by each planning commissioner will not change. As a result, any fiscal impact to the state or local governments is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/bos